

therefore decided that it was in her best interests to be enrolled in a baptism class and to be baptised as soon as she was ready. In addition, however, because he regarded confirmation as being an issue of much greater significance to C he ordered that she should not be confirmed before her sixteenth birthday without her mother's consent. [Frank Cranmer]

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### **Re St Mary, Trentham**

Lichfield Consistory Court: Eyre Ch, 10 June 2012

*Exhumation – family grave – seemly and practicable*

The petitioner applied to exhume his father's ashes in order to inter his parents in the same family grave. The father had died first and his ashes had been interred in the churchyard, the petitioner not knowing that his mother wished to be buried in a family grave at Trentham Cemetery. The petition was supported by the PCC and vicar and the local authority had confirmed that there was space in the family grave. The chancellor held that any exercise of discretion to allow exhumation from consecrated ground is a two-stage process. First, the court must consider whether the matters raised are capable in law of amounting to special circumstances. Second, it must be shown that exhumation is justified in the particular circumstances of the case. The facts of this case – the 57-year marriage of the petitioner's parents, the relatively recent burial of both parties and the fact that the family grave was already established – justified exhumation in this instance. However, exhumation must also be seemly and practicable, which was made difficult by the fact that the ashes had been poured into the grave rather than interred in a casket. Following evidence from the incumbent that the ashes could be exhumed in a seemly manner without disturbing other remains it was found that exhumation was seemly and practicable and the faculty was granted. [Catherine Shelley]

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### **Re Boston Cemetery**

Lincoln Consistory Court: Bishop Ch, 18 June 2012

*Exhumation – family grave*

The petitioner sought a faculty for the exhumation of the cremated remains of his wife, who had been interred in a family grave containing the remains of her

parents. At the time of the burial he had intended that his remains would be interred in the same grave in the fullness of time. In the two years following the burial of the deceased, the cremated remains of two further family members were interred in the grave. The petitioner became concerned that there would not be space in the grave for his remains to be buried with his wife. His wife was one of seven siblings and if they and their spouses all sought to be buried in the family grave there would need to be ten further interments in the grave. The petitioner wished for his wife's remains to be exhumed now for burial elsewhere in order that he could be sure of his remains being buried with her when the time came. All contactable family members consented to the proposal. The chancellor considered the decision of the Court of Arches in *Re Blagdon Cemetery* [2002] Fam 299 and held that the present case did not amount to exceptional circumstances such as to allow for a departure from the norm of permanence. Although there had been no delay in this case, it could not be said that there had been a relevant mistake. Further, the application sought to remove remains from a family grave, which demonstrated the very opposite of family unity. The application was refused. [RA]

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### **Re Bourne Abbey Churchyard**

Lincoln Consistory Court: Bishop Ch, 19 June 2012

*Exhumation – family grave*

The chancellor granted a petition for the exhumation of the cremated remains of the petitioners' father for their re-interment with those of their mother in Essex. The whole family focus had been in Essex and the petitioners' parents had only moved to Bourne a relatively short time before their respective deaths. There was no question of mistake in relation to the burial, although the creation of a family grave was held to be adequate reason for a departure from the norm of permanence. [RA]

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### **Re St Michael and All Angels, Chell**

Lichfield Consistory Court: Eyre Ch, 21 June 2012

*Faculty jurisdiction – extension of time*

The petitioners applied for an extension of time to complete works authorised under an unopposed faculty that was granted in February 2007 for the